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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,161	10/10/2003	Rohit Anand Fedane	2705-304	2289
20575	7590	12/07/2004	EXAMINER	
MARGER JOHNSON & MCCOLLOM PC 1030 SW MORRISON STREET PORTLAND, OR 97205			BLOUNT, STEVEN	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,161

Applicant(s)

FEDANE, ROHIT ANAND

Examiner

Steven Blount

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27 - 52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 - 39, 43 - 49 is/are allowed.
- 6) ☒ Claim(s) 27 - 32, 40 - 42, 50 - 52, is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/10/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 27 – 32, 41 – 42, and 51 – 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,883,883 to Baker et al in view of the applicants admitted prior art (hereinafter referred to as “AAPA”).

With regard to claim 27, Baker et al teaches a device for testing supplementary ISDN services, including call hold – see the abstract, and also col 1, lines 25+ and columns 3 – 4 generally. Baker et al does not explicitly teach the ISDN system to be comprised of 2 B-channels (a D-channel is taught in col 3 lines 45+). AAPA teaches the well known fact that ISDN has 2 B-channels. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Baker et al with two B-channels, in light of the teachings of AAPA, in order to provide a means for transporting the data in the ISDN system.

With regard to claim 28, see step 709 in figure 7 (display results).

With regard to claim 29 (store), see col 5 lines 5+.

With regard to claim 30, read broadly, switch 100 is a router.

With regard to claim 31, the system is under control of a network controller (see the large box in figure 1).

With regard to claim 32, see step 709 in figure 7 (display results).

With regard to claim 41, the applicant admits that "Since it is highly unlikely that signaling traffic will ever require 6 kbps or more of the D-channel bandwidth, ISDN allows the excess capacity of the D channel to be allocated for data transfer. X.25/D packet data service can use up to 9.6 kbps of the 16 kbps capacity of the D channel for data transfer according to the X.25 packet format" (page 9, lines 10 – 14). It would be obvious to utilize the automated testing equipment of Baker et al to determine if this service is available in order to implement it in an effective manner.

With regard to claim 42, applying the test once, with a negative result, would make obvious trying it with other ISDN devices.

With regard to claims 51 and 52, see the rejection of claims 41 and 42 above, and note that it would be obvious to implement these process steps in computer software in order to provide a means for them to be carried out in an automated manner.

3. Claims 40 and 50 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 5,883,883 to Baker et al in view of Applicants Admitted Prior Art as applied above to claim 27, and further in view of U.S. patent 6,501,838 to Brachman et al.

With regard to claim 40, Baker et al/AAPA teach the invention as described above, including being able to automatically test for setup and disconnect services. See col 4, lines 47+. Baker/AAPA do not, however, teach implementing the call forwarding function by forwarding calls directed to a first directory number to a second directory

Art Unit: 2661

(note Baker teaches signaling information to be carried across the D-channels. See col 3, lines 45+).


Brachman et al teach this in both the abstract and in claim 6. It would have been obvious to one of ordinary skill in the art at the time of the invention to have forwarded calls from a first directory number to a second directory number in order to implement the call forwarding function of Baker/AAPA, in light of the teachings of Brachman et al, in order to provide an effective means for implementing this service.

With regard to claim 50, see the rejection above, and note that it would be obvious to one of ordinary skill in the art to implement the method steps in computer software in order to allow these steps to be performed in the automated manner claimed.

4. Claims 33 – 39 and 43 – 49 are allowed.

5. Examiner Steven Blount may be reached at ⁵⁷¹⁻²⁷²⁻³⁰⁷¹~~703-305-0349~~ between the hours of 9:00 and 5:30 Monday through Friday.


Ajit Patel
Primary Examiner

SB

11/18/04